

### REMARKS

A Petition for Extension of Time is being filed concurrently herewith.

Reconsideration and allowance in view of the following remarks are respectfully requested.

Claims 1 and 2 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yang et al. in view of Alexander et al. Claims 3-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yang et al. and Alexander et al., and in further in view of Chan et al.

Applicant herewith files an RCE application together with amended claim 1. In view of the references cited by the Examiner, Applicant submits that amended claim 1 is believed allowable. Amended claim 1 now recites, in part, the total ASE noise power equals the total power of the optical signals measured by the plurality of the first optical detecting means subtracted from the total power of the optical signals measured by the second optical detecting means and an ASE noise power for each channel is determined by the total ASE noise power, a channel power of the WDM optical signal and an ASE noise profile. The support for these amendments is found in the specification, page 11, lines 5-24.

It is believed that none of the references cited by the Examiner describes or teaches this feature of the claimed invention. Therefore, Applicant submits that amended claim 1 and its dependent claims 2-5 are patentable in view of the references cited by the Examiner and the rejections are deemed moot.

All objections and rejections having been addressed, it is respectfully submitted that claims 1-5 are now in condition for allowance and a notice to this effect is honestly solicited. If any issues remain to be resolved, the examiner is cordially invited to telephone the undersigned at the number listed below.

Respectfully submitted,  
MAYER BROWN ROWE & MAW LLP

By: \_\_\_\_\_



Yoon S. Ham  
Reg. No. 45,307  
Direct Tel.: (202) 263-3280

MAYER BROWN ROWE & MAW LLP  
1909 K Street, NW  
Washington, DC 20006-1101  
Atty. Dkt.: **123037-05005015**  
YH:jr